

DETAILED ACTION

Claim Objections

Claim 24 objected to because of the following informalities: It appears that claim 24 is a newly added claim, with an improper claim identifier. Additionally, it appears that claim 24 is identical to claim 23. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5-7, 9-11, 13-15, 17 and 19-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Wagener et al. (4,262,991).

Wagener et al. shows a precision travel staging system comprising a precision stage (1), a fixed portion (9) configured to be attached to the precision stage, a movable portion (3) operatively coupled to the fixed portion (9) and selectively movable relative thereto, a securing mechanism (6, 7 and the object holder, not shown, column 2, line 6) configured to secure a substrate at a predetermined location relative to the moving portion (3) and an actuator mechanism (5,8) operative to provide movement of the movable portion (3) in one direction relative to the fixed portion (9), the movement being operative to position a selected area of the substrate within a precision travel range of the precision stage. It is noted that since the movable portion moves on a different axis

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than the precision stage, the movable portion (3) is movable within a precision travel range of the precision stage (1).

With respect to claims 5-7 and 13-15, the staging system further includes an indexed reference system (shown on the movable precision stage 1, not labeled). The reference system comprises a pointer (shown on the precision stage 1, not labeled) and a plurality of reference indicia (shown on the precision stage 1, not labeled).

Regarding claims 10 and 11, the fixed portion (9) is integrated with the precision stage (1), and the fixed position of the fixed portion is selectively alterable to the fixed position.

In use of the device of Wagner et al., the methods and steps of claims 17 and 19-22 are inherently performed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 8, 16, 18, 23 and 24, are rejected under 35 U.S.C. 103(a) as being unpatentable over Wagener et al. (4,262,991) in view of Den Engelse et al. (5,900,708).

Regarding claims 4, 12, 23 and 24, as best understood, Wagener et al. shows all aspects of the applicant's invention as in claims 1 and 9, but does not specifically disclose that the movable portion (3) comprises an aperture that cooperates with the aperture of the fixed portion (figure 1) to form a window in the holder. However, Den Engelse et al. shows a substrate holder comprising a movable portion (44) including a securing mechanism (48 and 50), the movable portion including an aperture (42). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to substitute the movable portion of Den Engelse et al.'s invention, including the securing mechanism and the aperture (42), for the movable portion (3) of the substrate holder of Wagner et al., in order to strengthen the overall device as well as allow for light to shine through the substrate.

Regarding claims 8 and 16, Wagener et al. shows all aspects of the applicant's invention as in claims 1 and 9, but does not specifically disclose that the actuator mechanism is a motor. However, Den Engelse et al. shows a substrate holder comprising actuator mechanism comprising a motor (34, 36). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include the actuator mechanism comprising a motor (34, 36) of Den Engelse et al. in order to make the movable portion (1) move automatically.

Regarding claim 18, in the use of the device of Wagener et al. all the steps and methods of claim 17 are inherently preformed except for the securing mechanism

including a spring biased element. However, Den Engelse et al. shows a substrate holder comprising a securing mechanism (50) that utilizes a spring biased element. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to substitute the securing mechanism (50) of Den Engelse et al. for the securing mechanism (not shown) of Wagener et al. in order to better secure the substrate to the movable stage (3) without the need for tools.

Response to Arguments

Applicant's arguments filed 3/26/2008 have been fully considered but they are not persuasive.

Regarding the applicant's arguments concerning the 102 rejection of Wagner et al., the applicant argues that the claims require a precision stage having a precision travel range, and this is not taught by Wagner. However, it is noted that the device of Wagner shows this feature, along with all other elements specified in the claims as rejected above. The examiner is interpreting element 1 of Wagner to be the precision stage with a precision travel range (it is movable with respect to the base of the telescope), and the fixed portion 9 is configured and operative to be mounted to the precision stage, see figure 2. The examiner also notes that the movable portion is considered to be element 3 of Wagner, the movable portion being operatively coupled to the fixed portion and is movable relative thereto, see figure 2. In conclusion, it is the examiner's position that the Wagner reference shows all elements and/or steps specified in claims 1-3, 5-7, 9-11, 13-15, 7 and 19-22 as discussed above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason J. Boeckmann whose telephone number is (571)272-2708. The examiner can normally be reached on 8:00- 5:00, Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Len Tran can be reached on (571) 272-1184. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/J. J. B./

Examiner, Art Unit 3752

6/9/2008

/Len Tran/

Supervisory Patent Examiner, Art Unit 3752